Strack v. Frey Doc. 38 Att. 4

EXCLUSIVE

The Man Who Conned Oprah

continued

Frey was issued two traffic tickets, one for driving under the influence and another for driving without a license, and a separate misdemeanor criminal summons for having that open container of Pabst. He was directed to appear in Mayor's Court in 10 days. Frey was then released on $733 cash bond, according to the report, which was written at 4 AM on October 25. So, Frey's time in custody did not exceed five hours.

To review:

There was no patrolman struck with a car.

There was no urgent call for backup.

There was no rebuffed request to exit the car.

There was no "You want me out, then get me out."

There was no "fucking Pigs" taunt.

There were no swings at cops.

There was no billy club beatdown.

There was no kicking and screaming.

There was no mayhem.

There was no attempted riot inciting.

There were no 30 witnesses.

There was no .29 blood alcohol test.

There was no crack.

There was no Assault with a Deadly Weapon, Assaulting an Officer of the Law, Felony DUI, Disturbing the Peace, Resisting Arrest, Driving Without Insurance, Attempted Incitement of a Riot, Possession of a Narcotic with Intent to Distribute, or Felony Mayhem.

And though he would later vividly write about being consumed by an internal rage that he named like a pet, Frey was somehow able to keep "the Fury" in check on that drunken October night in Granville. As Patrolman Maneely reported, he "was polite and cooperative at all times." (Click here to see Frey's Granville mug shot.) Frey's arrest was as

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mundane as they get, as vanilla as the arrestee himself, a neatly dressed frat boy five months out of school and plastered on cheap beer.

In fact, he was processed and released so expeditiously, it makes you wonder when Frey, then 23, had the time for a gripping bit of suicidal ideation as described in "A Million Little Pieces":

> Right after my arrest in Ohio, while I was sitting in Jail, I started thinking about my life. I was twenty-two years old. I had been an Alcoholic and drug Addict for a decade. I hated myself. I didn't see a future and the only thing in my past was wreckage and disaster. I decided that I wanted to die.

As we sat with Dudgeon and Cartnal in police headquarters, TSG asked the sergeant if he had ever been hit by an automobile during his 17 years on the force. "No," he said. Would that necessarily have been something he would recall? "I think I'd remember that, yup," he answered, laughing. "There are certain things in your career that stand out to you, like the first time you did an arrest..."

"Or the first time you've been hit by a car," Cartnal interjected.

In a TSG interview, while Frey admitted that "to a certain extent" the Ohio incident and the severity of the resulting charges were "embellished in the book for obvious dramatic reasons," he continued to claim that he struck a cop with his car and was carrying a "bag of crack in my pocket" when busted. When he first made these statements, in a December 14 interview, TSG had yet to obtain the Granville police report. During an interview Friday, Frey, who was unaware that we then had a copy of the police document, said he was "willing to provide independent witnesses who were with me at certain events that you can't find paperwork for, including the events in Ohio. There's a college professor that was with me who's still a professor at a university who was in the car with me. Witness to the entire thing."

The police report makes no mention of a second passenger in the car, nor does it identify anyone else as a suspect in connection with ownership of that open bottle of Pabst. The only reference to another party is Frey's statement to Dudgeon that he "was just pulling around to pick up a friend." In his retelling of the episode in "A Million Little Pieces," Frey never mentions that there was a passenger in his car when he took on half the pigs on the Granville force. As for the identity of the eyewitness claimed by Frey, we can only assume that he was referring to a male professor with whom he claimed, in "My Friend Leonard," to have smoked crack and drank moonshine (which the educator reportedly brewed in his basement). In the second book, Frey adds that this professor was present more than once when the author was arrested.

In his legal threat letter to TSG, Singer identified Frey's purported passenger as a female. The lawyer also stated that we surely had the wrong police report since our version makes no mention of Frey's passenger. "My client has had many altercations with the law, and the fact that you may have one police report that refers to one offense does not necessarily mean that you have the police report of the incident described in the book."

However, based on Frey's own statements in a TSG interview, there can be little, if any, doubt that the incident described in the Granville police report is the same one fictionalized in Frey's book. He told us that right before striking the cop, he had pulled out of a nearby parking lot and drove across a sidewalk into the street. Which is exactly how Dudgeon's report describes the movement of the author's car. He said he was arrested that evening by the "Granville P.D." He put the time frame of the arrest as about a year prior to his September 1993 admission to Hazelden (the Dudgeon arrest came in October 1992).

Most importantly, Frey told us that after graduating Denison in late-April or early-May of 1992, he moved to France and stayed there for several months before returning to the States "literally for two, probably three or four days." The arrest in the book, he said, came during those few days, after which he "went back to France immediately." He remained in Europe until returning to the U.S. (specifically, North Carolina) six to eight weeks prior to entering Hazelden. So, the notion that there was somehow another October 1992 arrest in Granville during which Frey rolled his car up on a sidewalk after leaving a parking lot seems a bit of a stretch, even for an enterprising attorney like Singer.

Frey's tall tales would, of course, be pretty funny if so many people didn't actually believe them.

While claiming that he does not desire to become the poster boy for unconventional recovery, Frey has nonetheless emerged as a source of inspiration and guidance for countless substance abusers (as well as their friends and loved ones) and other readers who have embraced "A Million Little Pieces" as a forthright, honest, and unconventional look at addiction. For Winfrey's show, he even traveled to a Minnesota clinic and gave an on-camera pep talk to Sandie, a viewer who checked herself into rehab after learning about Frey's book via an e-mail from the Oprah club. "If I can do it, you can do it," Frey told her. A second Winfrey show is in the works, with her web site seeking viewers whose lives have been "dramatically impacted" by Frey's book. The site asks, "Did 'A Million Little Pieces' Save Your Life?"

Frey rejected the Twelve Step approach and considers addiction a weakness, not a disease (cancer and Parkinson's are diseases, he points out). Frey's reported post-Hazelden recovery was unorthodox, hinging on his ability to continually surmount temptation, thanks to a superhuman will that helped him avoid using at the same time he was purposely placing himself in situations where alcohol and drugs were prevalent. For those struggling with substance abuse, Frey is a shiny, relapse-free success story, a man who beat formidable odds with steely resolve. (Click here for audio of Frey talking about his ordeal on a Doubleday promotional CD.)

For desperate people, there appears to be magic in his approach, though it really boils down to a familiar refrain: Just say 'No.' But since that phrase has long been tainted, Frey has opted for an even pithier maxim: "Hold on." "Whenever you want to go do something you know you shouldn't do, just hold on, and sooner or later you'll feel better," Frey told Sandie.

Some of the author's acolytes even get "Hold on" tattooed on themselves. Others prefer to go the t-shirt route, lending Frey's slogan the kind of spiritual heft that can only be found when it's scrawled on a Fruit of the Loom product.

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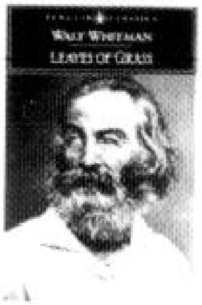
Frey's fabrications have carried through to his purported Ohio jail time. He has repeated this fiction in numerous interviews and in a recent "Life After Rehab" essay he penned for Winfrey's web site. The essay, the site notes, is "as open and honest as his book." Recounting his three-month imprisonment after departing Hazelden, Frey writes that he would only be allowed to call girlfriend Lilly for 10 minutes a day and how, "soon as I walked out of the jail," he drove six hours to Chicago to reunite with her. After Lilly's suicide, though, he was crushed and facing a bleak future: "I didn't have a job or the type of CV, jail rehab jail jail jail, that would get me a job."

When TSG challenged Frey on his claim to have spent 90 days in the Licking County jail, he laughed and said, "Again, I got to make sure this is all off the record. 'Cause I don't want to read an article in a magazine next week." He then admitted, "I was in for a significantly shorter period of time than three months." We then asked if his detention in connection with the Ohio incident could have actually been limited to time in custody prior to making bail (though we would later learn that he spent no more than five hours at the Granville police headquarters, we estimated such pre-bail detention at a day or two). He replied, "Yeah, that's something more to the line of what we're talking about."

As for the final disposition of the Ohio criminal case, Frey told us that he returned to Licking County after departing Hazelden to "finish dealing with all of it." In a brief appearance before a male judge in a courtroom in Newark (the county seat), he said, "I pled guilty to things and then they let me go and I left and went back to Chicago." Though Frey had the court's records purged, based on TSG's review of similar minor misdemeanor cases, he would have likely been sentenced to pay a fine of several hundred dollars. Jail would not have been a worry for him. When we asked about the severity of his punishment, Frey replied, "I got in almost no trouble, if that answers the question."

A detailed account of his prison stay emerges in the opening pages of Frey's follow-up memoir, "My Friend Leonard." Unlike Frey's first book, the sequel carries a small disclaimer noting that "some names and identifying characteristics have been changed" and "some sequences and details of events have been changed." But Frey has steadfastly--and repeatedly--maintained that he did three months in an Ohio county jail.

As Frey tells it, he lived in a 32-inmate module for "violent and felonious offenders" who were always watched over by five to seven deputies. He wears a blue- and yellow-striped jumpsuit. Moving between rooms, Frey walks past barred doors and through metal detectors. The walls, floor, and bed in his cell are cement. A small bulletproof window, with bars on each side of it, looks out onto a brick wall. The facility is surrounded by a 15-foot high razor wire fence.



Frey spends hours each day in his cell reading to Porterhouse, an illiterate inmate facing trial for two homicides (he is said to have pushed his girlfriend out a window after finding her in bed with another man, whom Porterhouse then tortures before dispatching him with a bullet to the heart). The Frey-Porterhouse Book Club gets through "Don Quixote," "Leaves of Grass," and "East of Eden." And, as Frey is nearing release, the pair is reading "War and Peace." Porterhouse loves the book, crying when Anatole betrayed Natasha. He carries it around with him, Frey writes, and "cradles it as if it were his child."

If you're wondering how these two met, Frey explains that on his first day in the joint, the 300-pound Porterhouse clobbered him in the head with a metal food tray as Frey was waiting in line for lunch. The hulking inmate then hit Frey in the face, drawing blood from his nose and mouth, and clamped on a headlock. By the following day, however, the beating was a distant memory, as Frey began reading to Porterhouse after being invited into the accused killer's cell for a chat. Porterhouse explained that Frey's ass kicking had been contracted out to him by a "County Sheriff" in exchange for three cartons of cigarettes. Why would a screw want Frey harmed, Porterhouse wondered.

"I told him that I had hit a County Sheriff with a car going five miles an hour while I was drunk and high on crack and that I had fought several others when they tried to arrest me," Frey explained.

Seated at his desk in the Licking County jail, Sheriff Randy Thorp had a bemused look on his face as TSG asked him questions about details of Frey's incarceration, the one for which Thorp said there are no records. We had previously provided him with book excerpts covering the nonexistent jail term, so he was familiar with Frey's penal claims.

The Frey account is correct as far as the jail operating on a modular system with 32 inmates per unit, Thorp said. However, with regard to almost every other point, Frey is wildly inaccurate. Module inmates are watched over by a single deputy, not five to seven. Blue and yellow jumpsuits? "Never," Thorp said. "Orange for males, white if they're a work trustee, and the women wear khaki." The jail, Thorp said, also does not have bars, barred doors, and metal detectors. A 15-foot fence? "Not even one foot," said Thorp, a 22-year veteran of the institution. He added that the beds are made of steel, the cell windows do not have bars on either side, and, in a small point, cell windows are made of reinforced, not bulletproof, glass.

Leo Tolstoy
War and Peace

And as for the cozy reading room ambience of Frey's cell, Thorp said that would not be allowed in the module, where inmates can stay alone in their cells or congregate in a communal day area. "You do not want them [two prisoners] in a cell where you can't see what they're doing," he said. So, TSG asked, could a couple of bookworms get through 1400 pages of Tolstoy (or, for that matter, other hefty Penguin Classics) undetected? "No, you couldn't," Thorp said. "That's heavy reading."

When we asked Frey if he actually was assaulted by Porterhouse, he said, "Uh, something along those lines happened, yes." Was it done at the direction of law enforcement officers in retaliation for him supposedly tangling with Granville cops? "I don't know that, man," he said. And despite all that quality time spent with Porterhouse on Napoleon's invasion of Russia, Frey could not recall the inmate's actual first or last name.

The sheriff also dismissed the notion that a guard would order a retaliatory inmate assault--and pay for it with smokes. "We're a triple accredited agency," Thorp said, noting that jail personnel take the subject of inmate treatment seriously and have sought to give prisoners a voice and an ability to grieve procedures or occurrences in the facility. When we commented that the assault-for-cigarettes equation seemed "cinematic" (especially coming from Frey, who has penned several screenplays), Thorp said, "Good choice of words."

For his part, Dudgeon, the Granville cop who arrested the "polite" Frey, joked that he was upset that no record existed of the author's jail term: "You mean I didn't buy somebody off with cigarettes to beat him up?"

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"Seems Mr. Frey has quite an imagination. He thinks he's a bit of a desperado. He's making a bunch of crap up."

That's the assessment of David Baer, a former Granville police sergeant who, at TSG's request, reviewed old police records and Frey's account of his starring role as a chief target in a narcotics probe supposedly jointly run by the FBI and Granville cops. "The FBI started investigating me for dealing and I got questioned by them at the local Police Station five or six times," he claims in "A Million Little Pieces." Though he attaches no names or time frame to this account, documents show that Frey is referring to incidents that purportedly occurred in early 1992, weeks before his Denison graduation. The story picks up with him in a "Bar" with his college sweetheart:

> About an hour after we got there, some Cops walk in with a Guy I'd never seen before. These were Small-Town Cops, fat stupid

> Assholes with mustaches and beer guts and badges. I knew them and they knew me. In the years I had spent in that Town, I had openly taunted them and had dared them to try and catch me on something, which they never had. Now they had this new Guy, and they marched up to me, full of bullshit Cop bravado, and they pulled out a warrant, and they said I had to come down to the Station with them to answer some questions. They said there was another team of People searching my House with dogs. I laughed and told them to get the fuck out of my face, and the new Guy pulled out his badge and said Son, I am with the FBI and your number is up, and he grabbed me and hauled my ass out of there...The ride down to the station was bullshit. I sang the National Anthem at the top of my lungs, and in between renditions, asked the Cops when we were stopping for pie. The questioning session was even more ridiculous. The FBI Agent kept asking me about my trips to Brazil, which had nothing to do with drugs, and about who I knew in South America, and I just alternated answers. I won't speak until I have a Lawyer. Your mustache makes you look like a fucking idiot. Eventually the Search Team came back and they hadn't found anything at my House because there was nothing left to find, and they had to let me go. I walked out, and on my way, I told every Cop I saw to go fuck himself.

On the way out, Frey added, one cop "threw a cup of coffee at me."